

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

December 6, 2012

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Jackson (W6)

Absent: Councilor Chris Case (W5)

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on November 29, 2012 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending December 5, 2012 in the amount of \$ 318,465.52 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Calnon; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of November 20 – December 5, 2012
- Report from the Building Inspector's Office from October 26 – December 3, 2012

RESOLVED: That the reports as listed are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Tiffer; Seconded by Councilor Rabideau

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council in the amount of \$ 354,932.13 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Rabideau
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL: None

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves Project HOME 2009-19 (Houghton -146 Miller Street) be awarded to B&E Development in the amount of \$24,950.

By Councilor Tiffer; Seconded by Councilor Carpenter
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to adjust the 2012 General Fund Budget by an increase of \$181,849.67 equally in estimated revenues and appropriations for asset seizure spending funded from the asset seizure reserve.

By Councilor Rabideau; Seconded by Councilor Calnon
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves Mayor Kasprzak to attend the New York Conference of Mayors 2013 Winter Legislative Meeting in Albany, NY from February 10 – 11, 2013 at an estimated cost not to exceed \$900.

By Councilor Jackson; Seconded by Councilor Carpenter
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from Bill Treacy Manager MLD that Bid No. 2012-10-1 "Two 2500 KVA Pad Mounted Transformers" be awarded to Power Sales Group, Inc in the total amount of \$83,516.
2. Request from Councilor Carpenter to transfer approximately \$600,000 from the available Fund Balance to the Fire Department account.
3. Councilor Calnon introduced Local Law P-__ of 2012 "Amendment to City Code §206.7 Concerning Enforcement."

Seconded by Councilor Carpenter

4. Mayor Kasprzak announces a Public Hearing for Local Law P-__ of 2012 "Amendment to City Code §206.7 Concerning Enforcement" on Thursday, December 20, 2012 at 5pm in the Common Council Chambers, 41 City Hall Place, Plattsburgh, NY.

10. NEW BUSINESS:

Mayor Kasprzak read and submitted his statement in to the minutes.

11. CLOSING PUBLIC COMMENTS: None

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

MEETING ADJOURNED: 6:06 pm

December 6, 2012: Mayor Kasprzak read and submitted his statement in to the minutes:

Subject: Restructuring of the City of Plattsburgh Fire Department

In light of the recent arbitration award given to the fire union coupled with the continued health care, personnel and retirement cost increases the city has been facing, it is time to have a serious discussion on the restructuring of the fire department.

The fire union continues to refuse to cooperate or compromise on any issue. The fire union leadership's actions over the years have had a negative effect on each and every taxpayer and employee in this city including the good firefighters in the department. So now I believe I have an obligation as mayor to discuss and pursue the restructuring of the fire department. The taxpayers simply cannot afford this department as it is presently structured. My priority as mayor from this point forward will be to pursue all options in creating a fire department that is affordable and efficient.

This is not a scare tactic. Successful restructuring of the fire department will result in tremendous cost savings which will insure city services can be maintained at present levels. If this does not happen then the taxpayers can expect a reduction in future city services.

We have the responsibility to maintain an affordable level of city services and stable tax and utility rates for our residents and business owners. I fully support a city fire service but it must be affordable. I support our present EMS staff and their efforts. I cannot, however, allow the deterioration of other city services at the expense of one city department any longer.

The fire union's disrespect to taxpayers can no longer be tolerated. Their selfishness and greediness have no bounds.

I want to emphasize I am not advocating eliminating the city fire department as the taxpayers need and deserve fire protection. I want to be very clear on this point. I also want to be very clear that as it is presently structured, the city taxpayers can no longer afford this service.

Let's discuss several fire department related facts which I am sure will educate the taxpayers:

- According to City Chamberlain Richard Marks, the 2013 total fire department budget will be approximately \$5.54 million. Approximately \$3 million of this budget are benefits, salary, retirement, and health care obligations.
- Disability Retirement payments for 9 city firefighters will cost the taxpayers a total of \$4.4 million. Disability 207-a claims continue to be at an all-time high. These numbers are not affordable.
- The fire union was recently awarded an extremely generous and unaffordable arbitration award which I will discuss momentarily.
- The fire union has filed more grievances and lawsuits against the City of Plattsburgh since 2007 than all other unions combined.
- The present union contract includes a minimum manning clause of 36 firefighters. No other city department has nor should EVER have a manning clause. In fact, no city department in the entire United States should include a manning clause since personnel related costs are by far the most costly items in any government budget. The present fire union contract obligates the taxpayers to pay 36 firefighters forever at this point.
- 24 hour shifts are not cost effective or affordable. 8 hour shifts would dramatically improve firefighter safety and reduce department costs by hundreds of thousands of dollars.
- City firefighters work approximately 65 to 80 days per year while all other city full time employees are scheduled to work at least 240 days per year. The fire schedule allows city firemen to hold a second full time job.
- Our EMS staff responded to 2600 ambulance calls last year.
- The fire union association has not transferred the required Foreign Fire Insurance information to the City Chamberlain despite being directed to do so by the State Comptroller's Office.

- According to their contract, city firefighters do not "work" on Sundays and holidays or any day after 5 PM except for ambulance and fire calls. Every other city employee is paid to work during their entire shift whether it be a Sunday, holiday, or any day..
- Approximately 45% of city firefighters live outside the city. They are protected by volunteer fire companies and these firefighters pay affordable insurance rates on their homes.
- Before any volunteer fire department can directly assist in fighting a city fire every union firefighter must be called in to work first which is known as All Call. And, whether they are needed or not when they arrive, city firefighters are paid a minimum of 4 hours.
- According to Assistant Chief Randy Stone, the major structure fires from January 2010 to November 22, 2012 which are defined as an All Call totaled 16. During that same period, there were 32 medium and 47 small fires. All told, from January 2010 to November 22, 2012, there were a total of 95 structure fires. Bear in mind that many of these fires were minor. And, also keep in mind over this same time period the approximate taxpayer's cost for the city fire department was \$15 million. Just for information \$15 million divided by 95 is \$157,894.73.
- I am continually contacted by Clinton County Emergency Services personnel that specific city fire department captains and firefighters will not cooperate with them on fire scenes which creates serious safety issues for all involved.
- From January of 2010 to November 27, 2012, the lost days due to injury in the city fire department totaled 672 days. As a comparison, Bombardier has experienced no accidents for three + years and Georgia Pacific also has an outstanding safety record for years. The following are just a few recent examples of injuries during this time:

* 3 helmet injuries by city firefighters (two by the same firefighter) from 2010 to 2012 two of which were listed on the workers compensation report. As a matter of reference, no helmet injuries have been reported by any other employee although MLD and DPW employees work with helmets daily.

* It took 16 days for a city firefighter to return to full duty with a back injury which occurred without a witness on September 24th.

* A city firefighter injured his bicep while lifting a patient on a stretcher on July 29th and has not returned to full duty yet.

* A city firefighter moved a dryer at Plattsburgh State on September 28th and hurt his knee and didn't return to full duty until October 30th. Interestingly, this firefighter, who has a history of filing for 207-a benefits several times since I have become mayor assisted in the removal of the dryer while two other firefighters were performing the removal initially. This was according to the witness statement by one of the firefighters involved in the removal. In fact, according to witness statements there was no indication of any injury on the return to the Station by the injured fireman.

The recent fire department arbitration decision rendered by Louis Patack included the following:

- 2.9% and 3% raises for 2008 and 2009.
- Clothing allowance increases from \$450 to \$600 for 2008 and from \$600 to \$750 in 2009 which is a total of a 58% raise during this time period. The city taxpayers provide all the "turnout gear" so this award appears to be unbelievably generous to purchase tee shirts and pants for a year. On a side note, it is my understanding the taxpayers also provide the washers and dryers for city firemen to wash clothes during down time.
- Mr. Patack also failed in his award to include the remaining non-contributing fire union members from paying anything—absolutely nothing—for health care while all the employees at the Police Department, the Library, and MLD contribute 15% as well as a majority of the AFSCME employees.

This decision will cost the taxpayers in excess of \$700,000. It defies all logic and will be a contributing factor in raising your taxes in 2013 and beyond. This award most likely will have a direct effect on future city service and employee reductions as the taxpayer's fund balance will now be seriously reduced to pay the fire union this generous award. This decision was made by an arbitrator who lives in another community. He cares little about raising taxes on the struggling residents and business owners of Plattsburgh. He ignored the 2% Tax Cap the city must adhere to. He claimed the fire union deserved this generous award because compared to other communities they are underpaid. Despite our weak fund balance in 2008 and 2009, he stated the city could pay this award. This award is one every city taxpayer must live with regardless how unacceptable this decision was.

This arbitrator ignored the zero percent increases PEF, CSEA, and the Plattsburgh Library accepted or the 42 teachers no longer employed in the Beekmantown School District in his decision. He failed to recognize the struggling residents and business owners of the North Country. The high number of foreclosures in the region apparently was a meaningless fact in his determination. And, how can a recent fact finding report between the AFSCME union and the City of Plattsburgh mention raises of between 1.5% and 2.5% be ignored?

The fire union was seeking 5% raises, longevity and step increases worth several thousands of dollars more in retirement, increases in their clothing allowance, and the protection of those union members not contributing to health care. The fire union was successful in receiving a majority of their requested items in this arbitration award they were seeking at the expense of the taxpayers. In fact, it is my understanding that the fire union is angered because they felt they deserved and expected raises of at least 3.5%. I am not surprised with this attitude.

The fire union continues to mention and compare the Police Department and their union contract to the fire department. This would be laughable if not so insulting.

The Police Department agreed to a drug and alcohol policy. The fire union refused. Every Police union member agreed to contribute 15% to their health care. The fire union refused to do this. The Police union agreed to have new hires pay a percentage of their health care in retirement. The fire union refused to do this. The Police Department shift schedule does not allow them to be paid to sleep or NOT work on Sundays or holidays as is the case with the fire union. In fact, no city employee is paid to sleep except city firemen. The Police Department does not have a manning clause. The fire union does. The fire union has filed dozens of grievances and I cannot recall one specific grievance that the police union filed that we did not work out a compromise.

Recently, the fire union refused to provide simple information of union member's outside employment to the city for our records claiming this was a negotiated item. We are well within our rights to seek this information and plan to do so soon. The fire union and their attorney refused my compromise for their members to take the Fire Chief's exam unless the city paid their arbitration award immediately and I personally discontinue talking to the media regarding fire issues. How's that working out these days?

The fire union has said NO more than my former Common Council colleague Mark Dame. Believe me; I never thought that was possible.

So let me make a prediction. The fire union and their families will again begin their personal attacks, character assassinations, misinformation, and scare tactics via the internet, letters to the editor, and speakout. I always chuckle with their internet muscles and their keyboard cowboy comments. Rest assured, it has no impact on me whatsoever except to make me more determined to do the right thing for the taxpayers we represent.

In closing, I appreciate your time and patience in listening this evening. If any of you had any doubt of the seriousness of this situation I believe you are now more informed than you were previously about city firefighters. And since the fire union continues to obsess with the Police contract and picking and choosing the good points in the Police contract, here is my offer to the fire union; I will sign a new contract with the fire union right now if it is 100% word for word as the present Police contract. Give me a call

when you are ready to do this. Otherwise, I have a lot of work to do to restructure this department to make it safer and more efficient and affordable for the current and future City of Plattsburgh taxpayers. Thank you.

Local Law P- of 2012

Amendment to City Code §206.7 Concerning Enforcement

Introduced by Councilor Calnon on December 6, 2012

Seconded by: Councilor Carpenter

Be It Enacted by the Common Council of the City of Plattsburgh as follows:

1. City Code § 206.7 is amended to read as follows:

This Chapter may be enforced by any police officer, peace officer or any code inspector employed in the office of the Building Inspector of the City of Plattsburgh.

2. This law shall take effect immediately upon approval by the mayor and filing with the Secretary of State.

In Favor:

Opposed:

The foregoing local law is hereby approved.

date: _____

Donald M. Kasprzak, Mayor